

Sullivan

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CARLOS M. HERRERA, On Behalf of Himself
And All Others Similarly Situated,

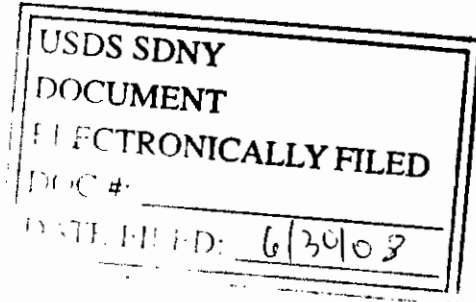
Plaintiff,

vs.

WYETH, WYETH SAVINGS PLAN
COMMITTEE, WYETH SAVINGS PLAN-
PUERTO RICO COMMITTEE, WYETH
RETIREMENT COMMITTEE, ROBERT ESSNER,
BERNARD POUSSOT, PAUL J. JONES,
KENNETH J. MARTIN, RENE R. LEWIN,
LAWRENCE STEIN, MARY KATHERINE
WOLD, KAREN L. LING and UNKNOWN
FIDUCIARY DEFENDANTS 1-30,

Defendants.
-----X

Case No. **1**-08-cv-04688 (RJS)



STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff Carlos M. Herrera commenced the above-captioned action (the "Herrera Action") by the filing of a complaint on or about February 27, 2008 (the "Complaint"); and

WHEREAS, the Complaint asserts claims against all Defendants for liability pursuant to Sections 409, 502(a)(2), and 502(a)(3) of the Employee Retirement Income Security Act ("ERISA"); and

WHEREAS, prior to the filing of the Complaint, two related actions were instituted: an action by City of Livonia Employees' Retirement System, styled as a federal securities class action lawsuit and captioned *City of Livonia Employees' Retirement System v. Wyeth, et al.*, 07 Civ. 10329 (the "Livonia Action") and assigned to Judge Richard J. Sullivan,

and an action by Doris Staehr, styled as a federal securities derivative lawsuit and captioned *Staehr v. Essner, et al.*, 07 Civ. 10465 (the "Staehr Action") and transferred to Judge Richard J. Sullivan; and

WHEREAS, on June 4, 2008, in the interests of justice and efficiency, the Herrera Action was transferred to Judge Sullivan as a related case to the Livonia and Staehr Actions; and

WHEREAS, the undersigned attorneys for Plaintiff and Defendants have conferred regarding issues of scheduling in the Herrera Action;

IT IS HEREBY STIPULATED AND AGREED by and among the undersigned attorneys for the parties to the Herrera Action as follows:

1. Without waiving any rights, defenses or other objections, counsel for Defendants accepts service of the Complaint on behalf of each of the Defendants.
2. Without either party waiving any rights regarding discovery, Defendants shall provide certain documents regarding Wyeth Savings Plan, Wyeth Union Savings Plan, and Wyeth Savings Plan – Puerto Rico (the "Plan Documents") to Plaintiff within 45 days of the date this stipulation is entered.
3. Plaintiff shall have 45 days after receiving the Plan Documents to serve an amended complaint (the "Amended Complaint") in the Herrera Action.
4. Defendants shall have 60 days after service of the Amended Complaint to answer, move, or otherwise respond to the Amended Complaint.
5. Plaintiff shall have 60 days after service of Defendants' response to the Amended Complaint to serve opposition papers.
6. Defendants shall have 45 days after service of Plaintiff's opposition papers to serve reply papers.

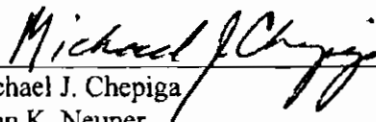
7. Nothing in this stipulation constitutes a waiver of any defenses and all such defenses are expressly reserved.

8. Nothing in this stipulation shall preclude the parties from agreeing to any additional extension and requesting the Court to so-order such extension.

9. This stipulation may be exercised in counterparts and by facsimile signatures.

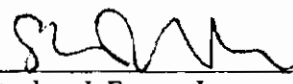
Dated: New York, New York
June 24, 2008

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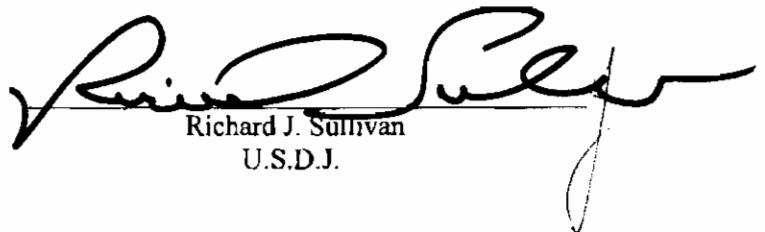
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Attorneys for Plaintiff

SO ORDERED.

Dated: June 30, 2008



Richard J. Sullivan
U.S.D.J.